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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,144	07/25/2003	William Helms	83,634	3903

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MARK HOMER
NAVAL UNDERSEA WARFARE CENTER NEWPORT DIVISION
1176 HOWELL STREET BUILDING 112T CODE 000C
NEWPORT, RI 02841-1708

EXAMINER

HARPER, LEON JONATHAN

ART UNIT	PAPER NUMBER
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2166

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,144

Applicant(s)

HELMS, WILLIAM

Examiner

Leon J. Harper

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/21/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed 5/23/2006 has been entered. Claims 1-6 and 14-19 have been amended. Claims 7-13 have been cancelled without prejudice or disclaimer. Accordingly claims 1-6, and 14-19 are pending in this office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 14-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. All claims 1-6, 14-19 contain statements such as "modifications/additions jobs/tasks and repair/supply. Examiner believes and will assume for the purpose of this office action that the / is equivalent to an or statement.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6, 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5970475 (hereinafter Barnes)(art of record) in view of US 6148291 (hereinafter Rad) and in further view of US 6901377 (hereinafter Rose).

As for claim 1, Barnes discloses: collecting data relating to third parties/customers (See column 9 lines 49-51) third party/customer assets software modifications/additions (See column 7 lines 1-5), jobs/tasks (See column 22 lines 37-41),

Barnes however does not explicitly disclose: asset repair processes, asset storage, job/task funding, and warranties; incorporating the collected data into a structured relational database', and providing a graphical user interface including a plurality of single-click buttons for initiating a user-defined query that allows a user to access the collected data, manipulate the collected data, and selectively display a current status of the assets of the third party customer.

Rose however does disclose: new, in process, and completed job task (See column 4 lines 19-21) asset repair processes (See column 2 lines 63-66), job/task

funding (See column 5 lines 38-40), and warranties (See column 2 line 65); incorporating said collected information into a structured relational database (See column 6 lines 62-66), providing a graphical user interface including a plurality of single-click buttons for initiating a user-defined query that allows a user to access the collected data, manipulate the collected data, and selectively display a current status of the assets of the third party customer. (See column 3 lines 40-47). Rad however discloses: asset storage (See column 4 lines 58-62 each container is an asset). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teachings of Rose and Rad into the system of Barnes. The modification would have been obvious because it has historically been difficult for manufacturers of equipment to provide services for their clients (See Rose column 1 lines 16-17). Also large companies sometimes have employees handling the ordering or parts or handling the repair and warranty process, and the overhead associated with not having a centralized database can cost parties millions of dollars a year (See Barnes column 1 lines 48-51).

As for claim 2 the rejection of claim 1 is incorporated, and further Barnes discloses: assigning one of a plurality of levels of access rights to the user (See column 8 lines 42-47).

As for claim 3 the rejection of claim 1 is incorporated, and further Rad discloses real-time performance (See column 13 lines 13-19).

As for claim 4 the rejection of claim 1 is incorporated, and further Rose discloses: constructing data files from said collected information on-the-fly (See column 4 lines 12-19).

As for claim 5 the rejection of claim 1 is incorporated, and further Barnes discloses: collecting data of constantly changing third party/customer information (See column 10 lines 4-6).

As for claim 6 Barnes discloses: means for collecting data that characterizes third parties/customers, third party/customer assets, software modifications/additions, (See column 9 lines 49-51 and column 7 lines 1-5, and See column 22 lines 37-41), a first data storage record for storing the collected data relating to third parties/customers (See column 9 lines 49-51); a second data storage record for storing the collected data relating to third party/customer assets- (column 7 lines 1-5) a third data storage record for storing the collected data relating to software modifications/additions (See column 22 lines 37-41); a

Rose however does disclose: new, in-process, and completed jobs/tasks, a fourth data storage record for storing the collected data relating to new jobs/tasks, a fifth data storage record for storing the collected data relating to in-process jobs/tasks; a sixth data storage record for storing the collected data relating to completed jobs/tasks; (See column 5 lines 8-35 note this is all done by the overhaul communication module) asset repair processes, a seventh data storage record for storing the collected data

relating to asset repair processes; (See column 2 lines 63-66), job/task funding, and , a ninth data storage record for storing the collected data relating to job/task funding (See column 5 lines 38-40), and warranties, a tenth data storage record for storing the collected data relating to asset warranties (See column 2 line 65); one or more graphical user interfaces each with a plurality of single-click buttons for initiating one of said plurality of user-definable queries', and a computer for maintaining said first through said tenth data storage records and said plurality of user-definable queries and allowing a user to access, manipulate, and display selected structured data indicating the current status of third party/customer assets located in a military repair/supply depot. (See column 3 lines 40-47). Rad however discloses: asset storage, and an eighth data storage record for storing the collected data relating to asset storage (See column 4 lines 58-62 each container is an asset). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teachings of Rose and Rad into the system of Barnes. The modification would have been obvious because it has historically been difficult for manufacturers of equipment to provide services for their clients (See Rose column 1 lines 16-17). Also large companies sometimes have employees handling the ordering or parts or handling the repair and warranty process, and the overhead associated with not having a centralized database can cost parties millions of dollars a year (See Barnes column 1 lines 48-51).

As for claim 14 the rejection of claim 6 is incorporated, and further Barnes discloses: a log in graphical user interface (See column 18 lines 28-31).

As for claim 15 the rejection of claim 6 is incorporate, and further Barnes discloses: a plurality of levels of user access rights (See column 8 lines 42-47).]

As for claim 16 the rejection of claim 15 is incorporated, and further Barnes discloses: said plurality of levels of user access rights includes at least one or more administration level (See figure 13 and column 16 lines 38-40).

As for claim 17 the rejection of claim 16 is incorporated, and further Barnes, Rose, and Rad differs from the claimed invention in that wherein a level of user access right: is selected from the group consisting of administration, production controller administration, production controller, technician, logistics, engineering, and guest. However it would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated a level of user access rights consisting of the group, administration, production controller administration, production controller, technician, logistics, engineering, and guest. The modification would have been obvious because different levels of access will determine what changes the user can and cannot make to the system (See Barnes column 9 lines 46-48 "setting up users and setting their details).

As for claim 18 the rejection of claim 6 is incorporated, and further Rad discloses real-time performance (See column 13 lines 13-19).

As for claim 19 the rejection of claim 6 is incorporated, and further Rose discloses: constructing data files on-the-fly (See column 4 lines 12-19).

Response to Arguments

Applicant's arguments filed 5/26/2006 have been fully considered but they are not persuasive.

Applicant Argues:

The advantage of the present invention is that a reasonably skilled user can build programs when assigned task. Specifically, the present invention utilizes the concept of the cited references yet creates a novel approach that allows an unskilled manager (production controller, engineer, or business to design his/her interface for their specific customer requirements. In contrast the cited references are indications of the skill set of the reasonable skill person to an individual goal and in some cases a process.

Examiner Responds:

Examiner is not persuaded. During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.'

Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be

interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). The combined references disclose all of the limitations claimed. For instance, claim 1 only discloses providing a graphical user interface that allows for user defined queries and allows a user to access the collected data.

Applicant Argues:

The collected data associated with the present invention allows feedback for repair trend, cost trends and the best utilization of expenditures. It is not the collected data in itself as it is the flexibility to allow the managers of data to define their interface to accomplish their duties by the customer (no one product can serve all needs) and to provide the least amount of data clutter. The database can be designed to allow total separation of collected data so that customer privacy can be contained if a customer desiring privacy request to utilize the invention. Many of the cited references are fixed to one application and do not offer the flexibility of meeting customer requirements without the extensive rewrite of their code. The present invention utilizes a root template of data inputs for collection that can copy with each new customer and if necessary be adapted with minor coding to accommodate unique issues, but rarely is necessary since all the data input requirements are based on populating supporting dynamic data boxes with customer specific requirements and only unique reports may be required to be created. Based on the differences in data input and user interface/utilization described above it

would not be obvious to one skilled in the art to combine the cited references to produce the method of amended claim 1 and the system of claim 6.

Examiner Responds:

Examiner is not persuaded. As discussed above during patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). The differences recited by applicant are not in the claim language.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

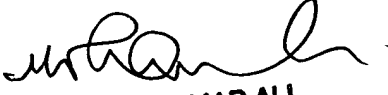
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J Harper
July 25, 2006


MOHAMMAD ALI
PRIMARY EXAMINER